

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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| RUDOLPH SCHWARTZ, | : | |
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| Plaintiff, | : | |
| v. | : | <u>ORDER</u> |
| | : | 19-CV-7096 (WFK) (JAM) |
| AMF BOWLING CENTER, INC., | : | |
| | : | |
| Defendant. | : | |
| -----X | | |
| WILLIAM F. KUNTZ II, United States District Judge: | | |

On August 5, 2024, the Honorable Magistrate Judge Joseph A. Marutollo issued a Report and Recommendation (“R&R”) recommending granting in part and denying in part the motion by Plaintiff’s counsel—attorneys from the law firm Devitt Spellman Barrett, LLP (“DSB”)—to withdraw as counsel of record, assert a charging lien, and enter a stay in the above-captioned action. *See* ECF No. 39.

The parties did not file any objections to the R&R, which were due by Monday, August 19, 2024. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). The Court reviews an R&R for clear error when no objections have been filed. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (Garaufis, J.). The Court finds no such error here and therefore adopts the R&R in its entirety. Specifically, the Court GRANTS DSB’s motion to withdraw as counsel of record, and for John Sommers to be relieved as counsel of record. Further, the Court GRANTS DSB’s motion to affix a charging lien, but defers the calculation of the lien’s amount until the amount to be recovered by Plaintiff, if any, has been finally determined. The Court also ORDERS DSB be awarded costs in the amount of \$5,051.45, which should be subtracted from the final sum awarded to Plaintiff, if any. Lastly, this Court GRANTS DSB’s request to stay this action, and ORDERS a thirty-day stay following service of this Order to allow Plaintiff to retain

new counsel or advise the Court of his intention to proceed *pro se*.

DSB is directed to serve a copy of this Order upon Plaintiff at his last known address and last known email address, and file proof of service by August 27, 2024.

The Clerk of Court is respectfully directed to terminate the motions pending at ECF Nos. 35 and 37.

SO ORDERED.

s/ WFK

HON. WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

Dated: August 23, 2024
Brooklyn, New York